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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TEKION CORP.,
Plaintiff,
v.
CDK GLOBAL, LLC,
Defendant.

Case No.: 3:24-cv-08879-JSC

CDK GLOBAL, LLC,
Plaintiff,
v.
TEKION CORP. and INDESIGN DATA, LLC,
Defendants.

Case No.: 3:25-cv-01394-JSC

**JOINT STIPULATION AND
[PROPOSED] ORDER EXTENDING
PRELIMINARY INJUNCTION
BRIEFING SCHEDULE AND
CONTINUING HEARINGS**

Judge: Honorable Jacqueline Scott Corley

Pursuant to Civil Local Rule 6-2, Tekion Corp., CDK Global, LLC, and InDesign Data, LLC (collectively, the “Parties”), by and through their undersigned attorneys, hereby stipulate as follows and respectfully request that the Court issue a scheduling order adjusting the briefing schedule on CDK’s Motion for Preliminary Injunction in *CDK Global, LLC v. Tekion Corp. and InDesign Data, LLC*, Case No. 25-01394-JSC (*CDK v. Tekion and InDesign*), and continuing the hearings in *Tekion Corp. v. CDK Global, LLC*, Case No. 24-08879-JSC (*Tekion v. CDK*) and *CDK v. Tekion and InDesign* as described below:

WHEREAS, Tekion filed its complaint in *Tekion v. CDK* on December 9, 2024 in the United States District Court for the Northern District of California.

WHEREAS, CDK filed its complaint in *CDK v. Tekion and InDesign* on February 10, 2025, also in the United States District Court for the Northern District of California.

WHEREAS, on February 10, 2025, CDK filed a Motion to Dismiss in *Tekion v. CDK*, which is currently set for hearing on April 24, 2025 (*Tekion v. CDK*, Dkt. 23).

WHEREAS, on February 18, 2025, the Court entered an order relating the two aforementioned cases (*Tekion v. CDK*, Dkt. 27; *CDK v. Tekion and InDesign*, Dkt. 27).

WHEREAS, on February 21, 2025, the Court scheduled the hearing on Tekion’s and InDesign’s anticipated motion to dismiss for June 26, 2025 (*CDK v. Tekion and InDesign*, Dkt. 28).

WHEREAS, on March 13, 2025, CDK filed a Motion for Preliminary Injunction in *CDK v. Tekion and InDesign*, which is currently set for hearing on April 24, 2025 (*CDK v. Tekion and InDesign*, Dkt. 45).

WHEREAS, under Civil Local Rule 7-3, Tekion’s and InDesign’s deadline to respond to CDK’s Motion for Preliminary Injunction is currently March 27, 2025, and CDK’s reply is due April 3, 2025.

WHEREAS, CDK’s Motion for Preliminary Injunction relies on declarations from six witnesses.

WHEREAS, Tekion seeks to depose these witnesses to respond to CDK’s Motion for Preliminary Injunction.

WHEREAS, CDK also seeks to depose witnesses that Tekion relies upon in response to

1 CDK's Motion for Preliminary Injunction.

2 WHEREAS, the current briefing schedule does not allow Tekion and CDK enough time for
3 depositions of witnesses for purposes of preparing briefing with respect to the Motion for
4 Preliminary Injunction.¹

5 WHEREAS, the Parties have agreed to an updated briefing schedule in which Tekion and
6 InDesign will file any opposition to CDK's Motion for Preliminary Injunction by May 1, 2025,
7 CDK will file its reply brief by May 29, 2025, and the Court will hear arguments on the Motion for
8 Preliminary Injunction on June 26, 2025.

9 WHEREAS, the Parties have further agreed that the Court should hear arguments on CDK's
10 Motion to Dismiss in *Tekion v. CDK* on June 26, 2025, without any other changes to the deadlines
11 related to the Motion to Dismiss.

12 WHEREAS, the Parties have also agreed that the Court should continue the Initial Case
13 Management Conferences in both *Tekion v. CDK* and *CDK v. Tekion and InDesign*, currently set
14 for April 24, 2025, to June 26, 2025 as well, for purposes of judicial efficiency.

15 WHEREAS, pursuant to Local Rule 6-2(a)(2), the only previous time modification in
16 *Tekion v. CDK* was to extend CDK's time to answer or otherwise respond to Tekion's complaint
17 from January 6, 2025 to February 10, 2025 (*Tekion v. CDK*, Dkt. 20). Declaration of Armen
18 Nercessian in Support of the Joint Stipulation and [Proposed] Order Extending Preliminary
19 Injunction Briefing Schedule and Continuing Hearings ("Nercessian Decl.") ¶ 5.

20 WHEREAS, pursuant to Local Rule 6-2(a)(2), the only previous time modification in *CDK*
21 *v. Tekion and InDesign* was to extend Tekion's and InDesign's deadlines to answer or otherwise
22 respond to CDK's complaint in the CDK Action by stipulation from March 6, 2025, and March 7,
23 2025, respectively, to April 9, 2025. *CDK v. Tekion and InDesign*, Dkts. 27 (Tekion), 40
24 (InDesign). Nercessian Decl. ¶ 6.

25 _____
26 ¹ InDesign intends to move for summary dismissal of CDK's motion for a preliminary injunction
27 as to InDesign. Subject to the resolution of that motion, InDesign joins with CDK and Tekion in
28 stipulating to this briefing schedule and the requested June 26 hearing date (if necessary as to
InDesign). To the extent CDK and Tekion are seeking the Court's approval to conduct a large
number of pre-hearing depositions, InDesign objects to those depositions as unnecessary and
burdensome.

WHEREAS, pursuant to Local Rule 6-2(a)(3), the events or deadlines that would change under this new briefing schedule are the deadlines for Tekion's and InDesign's respective oppositions, and for CDK's reply, as to the Motion for Preliminary Injunction in *CDK v. Tekion and InDesign*; and the hearing dates on the Motion for Preliminary Injunction in *CDK v. Tekion and InDesign*, the Motion to Dismiss in *Tekion v. CDK*, and the Initial Case Management Conferences in both cases, all of which are currently set for April 24, 2025. Nercessian Decl. ¶ 7.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the Parties that:

- Tekion's and InDesign's deadline to file their respective oppositions to CDK's Motion for Preliminary Injunction in *CDK v. Tekion and InDesign* is now May 1, 2025.
- CDK will file any reply brief as to its Motion for Preliminary Injunction by May 29, 2025.
- The Court will continue the hearings on the following matters from April 24, 2025 to June 26, 2025:
 - CDK's Motion to Dismiss in *Tekion v. CDK*;
 - The Initial Case Management Conference in *Tekion v. CDK*;
 - CDK's Motion for Preliminary Injunction in *CDK v. Tekion and InDesign*; and
 - The Initial Case Management Conference in *CDK v. Tekion and InDesign*.
- The Rule 26(f) conferences in *Tekion v. CDK* and *CDK v. Tekion and InDesign* will occur no later than 21 days before the Initial Case Management Conference in each matter, and the Parties will file their Joint Case Management Statements no later than 7 days before the Initial Case Management Conference in each matter. All other operative dates and deadlines set by the Court remain in effect.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: _____

UNITED STATES DISTRICT JUDGE
JACQUELINE SCOTT CORLEY

Dated: March 21, 2025

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By: /s/ Armen N. Nercessian

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Dated: March 21, 2025

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Local Rule 5(i)(3) Attestation

I attest that each of the other signatories of this document have concurred in the filing of the document.

Dated: March 21, 2025

FENWICK & WEST LLP

By: /s/ Armen N. Nercessian

Armen N. Nercessian

FENWICK & WEST LLP
ATTORNEYS AT LAW